In the High Court of Uttaranchal, at Nainital.

Civil Writ Petition No. 238/2006 (M/B)

Naveen Agarwal S/o Om Prakash Agarwal
R/o Mohalla Bhoop Singh Jaspur
District U.S. Nagar … Petitioner.

Versus

1- State of Uttaranchal through its
Secretary Public Works Department Dehradun
2- Executive Engineer Prantiya Khand
P.W.D. Ranikhet.
3- Commissioner Kumaum Division, Nainital.
4- Sub Registrar Stamp (Registration)
Ranikhet District Almora ..Respondents.

Sri B.P.S. Mer Advocate for the petitioner.
Sri K.P. Upadhyaya, learned Standing Counsel for the State.

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 9-3-2006

By means of this writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents not to demand / realize stamp duty on the earnest money/security deposit, the money of contract as demanded on the basis of the Government instruction and the respondents may be directed to demand stamp duty in pursuance of the direction in the case of Tejveer Singh Vs. State of U.P. and others reported in 1997 (29) ALR page. The petitioner has also prayed for issuance of a writ in the nature of mandamus directing the respondents to accept the stamp duty at the rate of Rs. 100/- only and not on the stamp duty calculated on ad-valoram basis.

2)- The learned counsel for the petitioner submitted that this writ petition is squarely covered by the judgment of this Court dated 29-3-2005 in W.P. No. 298/2005(M/B) and also by the judgment of the Allahabad High Court in the case of Tejveer Singh vs. State of U.P. reported in 1997(29) ALR 68, in which it has been held that the

petitioner was oliable to pay fixed stamp duty at the rate of Rs. 100/- only and not the stamp duty calculated on ad valoram basis. Learned Standing Counsel has no objection to this statement.

3)- Therefore, the writ petition is disposed of in terms of the aforesaid judgments

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB